

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**MICHAEL WEISMILLER and  
DANI WEISMILLER,**

**Plaintiffs,**

**v.**

**NATIONWIDE AFFINITY INSURANCE  
COMPANIES OF AMERICA,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Case No. 4:13-cv-02484-CAS**

**JOINT STIPULATION OF FACTS**

COMES NOW Defendant Nationwide Insurance Company of America (hereinafter “Nationwide”), by and through its counsel of record, and Plaintiffs’ Michael Weismiller and Dani Weismiller (hereinafter “Plaintiffs”) and hereby offer the following as the Parties’ Joint Stipulation of Facts:

1. On April 28, 2012 plaintiffs owned property located at 6840 Waterman Avenue, St. Louis, Missouri.
2. On or about April 28, 2012 a hail storm came through the area of plaintiffs’ residence.
3. Plaintiffs’ claim that the hail damaged the roof on the home and detached garage located at 6840 Waterman Avenue, St. Louis, Missouri, requiring the roof to be replaced.
4. At the time of the April 29, 2012 hail storm, the plaintiffs had in effect a homeowner’s policy, Policy No. HOA 0021034791, with Nationwide. The Nationwide Policy is attached hereto as Exhibit A.
5. The Nationwide Policy has a \$1000 deductible for damage to the property.

6. Plaintiffs made a claim on April 22, 2013 under the Nationwide Policy for the hail damage to their residence.

7. Nationwide ultimately determined that only a portion of the roof on plaintiffs' residence was damaged by hail and assessed the Actual Cash Value amount of such damages at \$5223.76. Nationwide's itemization of damages is reflected in the estimate attached hereto as Exhibit B.

8. Nationwide accordingly made payment on plaintiffs' claim under the policy in the amount of \$4223.76, representing the Actual Cash Value determination minus \$1000 policy deductible.

9. Plaintiffs claim, however, that the entire roof on their residence was damaged by hail and therefore needs to be replaced.

Respectfully submitted,

**FRANKE SCHULTZ & MULLEN, P.C.**



---

NIKKI E. CANNEZZARO # 49630 MO  
8900 Ward Parkway  
Kansas City, MO 64114  
(816) 421-7100; (816) 421-7915 (Facsimile)

[ncannezzaro@fsmllawfirm.com](mailto:ncannezzaro@fsmllawfirm.com)

**ATTORNEYS FOR DEFENDANT**

**Certificate of Service**

The undersigned hereby certifies that a true and accurate copy of the foregoing was emailed on November 5, 2015 to:

William K. Meehan #33686  
Patrick E. Kennedy #63000  
Meehan Law Firm  
7165 Delmar, Suite 112  
University City, MO 63130  
Phone: (314) 725-9994; Fax: (314) 721-9110  
[wkmeehan@wkmeehanpc.com](mailto:wkmeehan@wkmeehanpc.com)  
**Attorneys for Plaintiffs**



---

**Attorney for Defendant**